

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

Jimmy LeRoy Bailey, as personal representative of the Estate of Hildegunde R. Bailey;)	Civil Action No.: 4:15-cv-04597-RBH
)	
Plaintiff(s),)	
v.)	ORDER
)	
Damon Rodriguez,)	
)	
Defendant(s).)	
)	

The parties in the above-captioned case have advised the Court that the matter has been resolved by settlement agreement. Pursuant to section 15-51-42 of the South Carolina Code of Laws (2005), an appropriate court shall approve a settlement agreement in a wrongful death and/or survival action upon the filing of a petition by the personal representative of the decedent's estate. For an action pending in federal court, the presiding federal judge may in his discretion issue an order transferring the case to state court for consideration of the proposed settlement. S.C. Code Ann. § 15-51-42(D) (2005).

Therefore, the Court **TRANSFERS** this case to the Dillon County Court of Common Pleas for Dillon County, South Carolina, for consideration of the proposed wrongful death and survival action settlement agreement.

Further, having been advised by counsel for the parties that this case has settled, **ORDERS** that this action is hereby **DISMISSED** *without costs and without prejudice*. If settlement is not consummated within a reasonable time, any party may within ninety (90) days petition the Court to reopen the action and restore it to the docket, as permitted by Federal Rule of Civil Procedure 60(b)(6). Alternatively, and to the extent permitted by law, any party may within ninety (90) days

petition the Court to enforce the settlement. *See Fairfax Countywide Citizens Ass'n v. Fairfax Cty., Va.*, 571 F.2d 1299 (4th Cir. 1978). Dismissal of this case shall be *with prejudice* if no action is taken within ninety (90) days from the filing date of this order.

This order requires that the parties obtain state court approval of the settlement no less than ten (10) calendar days prior to the expiration of the ninety-day time frame set forth above. In the event additional time is required to obtain state court approval, the parties must notify the Court before the expiration of this order and seek an extension.

IT IS SO ORDERED.

August 26, 2016
Florence, South Carolina

s/ R. Bryan Harwell
R. Bryan Harwell
United States District Judge